



# THE YADKIN COUNTY BOARD OF EDUCATION

*Building a Tradition of Excellence*

## RESOLUTION

WHEREAS, the North Carolina Department of Transportation has approved the appropriation of Six Hundred Thousand Dollars (\$600,000.00) for highway and site improvements to the new Forbush Middle School and Starmount Middle School projects; and

WHEREAS, the North Carolina Department of Transportation has requested the acceptance, the approval and the consent of the Board of Commissioners of Yadkin County for these improvements; and

WHEREAS, the Board of Commissioners acknowledges the benefits arising to Yadkin County from the realization of these highway and site improvements.

NOW THEREFORE IT IS HEREBY RESOLVED that the Board of Commissioners of Yadkin County hereby acknowledges its consent, acceptance and approval of the highway and site improvements to the new Forbush Middle School and Starmount Middle School projects and the allocation of funds from the North Carolina Department of Transportation for realization of these improvements.

Adopted this 3<sup>rd</sup> day of November 2008.

BOARD OF COMMISSIONERS OF YADKIN COUNTY

By: Timothy Clark Phelan  
Chairman

### Addendum A

121 WASHINGTON STREET • YADKINVILLE, NORTH CAROLINA 27055  
TELEPHONE: (336) 679-2051 • FAX: (336) 679-4013

## REQUEST FOR APPROVAL TO PURCHASE REAL PROPERTY

WHEREAS, the North Carolina Wildlife Hunter Education Program at Forbush High School is an essential component of the educational and extracurricular program available to its students, providing instruction in firearm safety, wildlife conservation, and land management, and providing competition in firearm use; and

WHEREAS, this program and its participating students have achieved statewide recognition and have received numerous awards and accolades; and

WHEREAS, the growth of Forbush High School has necessitated the acquisition and development of a new shooting range for this program; and

WHEREAS, the Yadkin County Board of Education has obtained from William E. Matthews an option to purchase approximately 14.5 acres of land adjacent to Forbush High School at a price of \$9,500.00 per acre for use as a shooting range under the guidelines of the Range Department of the National Rifle Association and the North Carolina Wildlife Resources Commission; and

WHEREAS, an evaluation of this property for such use has been conducted by the Field Operations Division of the National Rifle Association and suggestions have been issued for the construction and the implementation of a shooting range on this property; and

WHEREAS, the Yadkin County Board of Education believes the acquisition of this property pursuant to the terms of the aforesaid option is in the best interest of the educational and extracurricular program provided by the Yadkin County Schools and therefore desires to exercise its option to purchase this property.

NOW THEREFORE, IT IS HEREBY REQUESTED that the Yadkin County Board of Commissioners approve, pursuant to North Carolina General Statute § 115C- 426, the purchase of the aforesaid property from William E. Matthews by the Yadkin County Board of Education for the sum of \$9,500.00 per acre. The exact acreage and price will be determined following completion of a boundary survey of this tract.

Respectfully submitted this 28 day of October 2008.

YADKIN COUNTY BOARD OF EDUCATION

By: James E. Benfield  
James E. Benfield, Superintendent

**Yadkin County, North Carolina**  
**Installment Purchase Agreement - Jail Project**  
**PROPOSED FINANCING CALENDAR**

As of October 27, 2008

Nov-08						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Dec-08						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Jan-09						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Date	Event	Responsible Party
Monday, 11/3/08	Receipt of all governmental approvals for construction of jail facility.	E, C
Monday, 11/3/08	Distribute construction bid request.	E, C
Tuesday, 11/11/08	RFP distributed to banks.	FA, C
Not Later Than, Thursday, 11/13/08	Preliminary meeting with LGC staff.	FA, C
Monday, 11/24/08	Receive bank bids.	FA, C
Monday, 12/1/08	Board of Commissioners adopt preliminary resolution and schedule public hearing.	C, SC
Thursday, 12/4/08	Publish notice of public hearing.	C, SC
Tuesday, 12/9/08	Open construction bids.	E, C
Wednesday, 12/10/08	File LGC application.	FA, C
Monday, 12/15/08	Board of Commissioners to hold public hearing and adopt resolution making certain findings and approving best bid in response to RFP.	C
Monday, 01/5/09	Board of Commissioners to adopt resolution approving documents.	C
Tuesday, 01/6/09	LGC approval	LGC
Tuesday, 01/20/09	Pre-Closing	All Parties
Wednesday, 01/21/09	Closing	All Parties

Key	Working Group Participants
C	Yadkin County, NC
SC	Special Counsel - Robinson Bradshaw & Hinson
FA	Financial Advisor - First Southwest Company
LCG	North Carolina Local Government Commission
E	Engineer
NLT	Not Later Than

**Addendum C**

**Date: October 20, 2008**

**General Fund**

**Dept: Parks and Recreation**

<b>Description</b>	<b>Account Number</b>	<b>Original Budget</b>	<b>Increase/ (Decrease)</b>	<b>Amended Budget</b>
E.H. Barnard Trust Grant	1046120-44142	-0-	25,000.00	25,000.00
Building-restroom	1056120-56550	84,772.00	25,000.00	109,772.00

To record a grant received by the Recreation Dept. from the E.H. Barnard Charitable Trust to upgrade the park.

DATE: November 3, 2008

SUBJECT: Health Department Budget Amendments

Description	Account Number	Original Budget	Increase/ (Decrease)	Amended Budget
Unexpended Funds from 07-08			46,368*	46,368*
REVENUE				
**DHHS-GATC	104511043300	42,888	48,000	90,888
EXPENDITURE				
Dental Bldg./Grounds	105518553010	28,308	46,368	74,676
Dental Bldg./Grounds	105518553010	74,676	8,000	82,676
Dental Equipment	105518556010	94,825	30,000	124,828
Dental Supplies	105518552010	28,843	10,000	38,843

\*To amend for carryover funding received in 2007-2008 but not expended in 2007-2008.

\$46,368 approved by County Commissioners 05/05/2008.

\*\*General Aid to County funding for dental clinic expenses.

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
DHHS Family Planning	104516444203	52,795	3,018	55,813
EXPENSES				
FP Contract Services	105516451700	15,500	3,018	18,518

\*Received additional State Family Planning funds for Contract Services.

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
DHHS Healthy Yadkin	104519044174	-0-	5,727	5,727
EXPENSES				
HY-Contract Services	105519051700	-0-	5,727	5,727

\*New State funding for Healthy Yadkin activities contract services for health disparities awareness education.

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
DHHS WIC Client Services	104516744208	111,239	6,434	117,673
DHHS Nutrition Education	104516677207	43,000	1,000	44,000
DHHS Breastfeeding Promotions	104516844210	15,000	2,074	17,074
DHHS Breastfeed Peer Counselor	104517044221	5,300	692	5,992
EXPENSES				
Client Services Capital Outlay	105516756010	-0-	1,000	1,000
Client Services Supplies	105516752010	750	5,434	6,184
Nutrition Education Travel	105516654010	500	1,000	1,500
Breastfeeding Promotions Salary	105516851010	15,898	2,074	17,972
Breastfeed Peer Counselor	105517051010	3,976	692	4,668

\*New Federal dollars for increased per-participant reimbursement for salary, capital outlay, supplies and travel in WIC Client Services, Nutrition, Breastfeed Promotions and Breastfeeding Peer Counselor programs.

### Addendum D.3

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
DHHS Environmental Health	104518044211	750	112	862
EXPENSES				
EH Supplies	105518052010	6,500	112	6,612

\*Additional State dollars for Food Inspections for Environmental Health supplies.

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
Maternal Health	1045163			
Wolfe Mini Grant	New revenue item	-0-	5,000	5,000
EXPENSES				
Maternal Health	New Expense item			
Wolfe Grant supplies	1055163	-0-	5,000	5,000

\*Wolfe Mini Grant received to provide smoking cessation services to pregnant women.

RECOMMENDATION: Health Director recommends approval by Board of Health:  
Approved by BOH October 21, 2008.

Date: November 3, 2008

General Fund

Dept: NC Cooperative Extension

<b>Description</b>	<b>Account Number</b>	<b>Original Budget</b>	<b>Increase/ Decrease</b>	<b>Amended Budget</b>
Pesticide Container Recycling Grant	1044950-43356	-0-	3619.00	3,619.00
Departmental Supplies- For Grant	1054950-52014	650.00	3619.00	4,269.00

To record the Pesticide Recycling Program Grant received by the NC Cooperative Extension Department



**Date: November 3, 2008**

**General Fund**

**Dept: Soil and Water**

<b>Description</b>	<b>Account Number</b>	<b>Original Budget</b>	<b>Increase/ (Decrease)</b>	<b>Amended Budget</b>
Equipment	1054960-56010	16,000.00	4,000.00	20,000.00
Grant funds	1044960-42120	-0-	4,000.00	4,000.00

To record grant received by the soil and water dept.

A regular meeting of the Board of Commissioners for the County of Yadkin, North Carolina, was held in the Commissioners' Meeting Room in the Yadkin Human Resources Building at 217 East Willow Street, in Yadkinville, North Carolina, the regular place of meeting, on November 3, 2008, at 9:00 A.M.

Present: Chair Kim Clark Phillips, presiding, and Commissioners Joel Cornelius, Tommy Garner, Chad Wagoner, and Brady Wooten.

Absent: There were none absent.

\* \* \* \* \*

Chair Phillips introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF A FLOOD CONTROL AND WATER SUPPLY FACILITY.

WHEREAS, the County of Yadkin, North Carolina (the "County"), is a validly existing political subdivision of the State of North Carolina (the "State"), under and by virtue of the Constitution and laws of the State; and

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to (a) finance the purchase of real and personal property by installment agreements that create in the property purchased a security interest to secure payment of the purchase price to the entity advancing moneys for such transaction and (b) finance the construction of fixtures or improvements on real property by agreements that create in such fixtures or improvements and in the real property on which such fixtures or improvements are located a security interest to secure repayment of moneys advanced or made available for such construction; and

#### **Addendum E.1**

WHEREAS, the County has determined to finance pursuant to said Section 160A-20 a portion of the cost of a project consisting of the construction and other accomplishment of a flood control and water supply facility on South Deep Creek, including the construction of an earthen retaining dam or structure and the acquisition of any necessary interests in land and any equipment therefor (the "Project"), which financing is now expected not to exceed \$7,725,000; and

WHEREAS, it is now necessary for the Board of Commissioners for the County (the "Board") to approve an installment financing contract and other documents related thereto and to approve and authorize certain actions in connection therewith; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract, between the County and RBC Bank (the "Installment Financing Contract"), under which RBC Bank (the "Bank") would advance funds to finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the funds advanced to it and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of an Escrow Deposit Agreement, among the County, the Bank and RBC Bank as escrow agent (the "Escrow Deposit Agreement"), which provides for the expenditure of funds advanced pursuant to the Installment Financing Contract to pay Project costs;

(c) a draft of a Deed of Trust and Security Agreement (the "Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Bank and which would encumber the portion of the site of the Project that is owned by the County and the

## **Addendum E.2**

improvements thereon and certain related property, subject to certain exceptions, as security for the County's obligation to repay the funds advanced to it pursuant to the Installment Financing Contract;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby confirms that the Project and its use are essential for meeting an urgent need for improved flood control facilities and an emerging need for additional water supply facilities to serve the residents of the County and the Project will permit the County to carry out public functions that it is authorized by law to perform.

Section 2. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Financing Contract, the Escrow Deposit Agreement and the Deed of Trust in order to effectuate the financing of a portion of the cost of the Project as described above.

Section 3. The form and content of the Installment Financing Contract, the Escrow Deposit Agreement and the Deed of Trust, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chair of the Board, the County Manager of the County, the Finance Officer of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Escrow Deposit Agreement and the Deed of Trust, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than December 1, 2023,

### **Addendum E.3**

and that the aggregate amount of the principal components of the Installment Payments does not exceed \$7,725,000.

Section 4. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Officer and the County Attorney of the County in connection with this matter.

Section 5. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Contract, the Escrow Deposit Agreement and the Deed of Trust.

Section 6. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as applicable to the Installment Financing Contract except to the extent that the County obtains an opinion of nationally-recognized bond counsel to the effect that noncompliance would not result in the interest components of the Installment Payments being includable in the gross income of the recipient thereof under Section 103 of the Code, as more specifically provided in the Installment Financing Contract.

Section 7. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 8. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

#### **Addendum E.4**

Section 9. This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Kim Clark Phillips, Joel Cornelius, Tommy Garner, Chad Wagoner, and Brady Wooten.

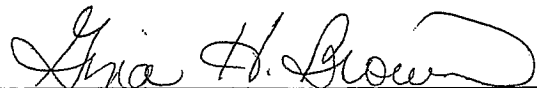
Noes: There were none.

\* \* \* \* \*

I, Gina Brown, Clerk to the Board of Commissioners for the County of Yadkin, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on November 3, 2008 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No. 19 of the minutes of said Board.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room in the Yadkin Human Resources Building at 217 East Willow Street, in Yadkinville, North Carolina, on the first and third Mondays of each month at 9:00 A.M. and 7:00 P.M., respectively, except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same place and time, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 3<sup>rd</sup> day of November 2008.



Clerk to the Board of Commissioners

**Addendum E.5**

## 5-D Project Ordinance

### **Capital Project Ordinance 5-D Water Reservoir November 2008**

Be it ordained by the Yadkin County Board of Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance be adopted:

Section 1: The Project authorized is the building of a dam for a water reservoir.

Section 2: The Officers of this unit are directed to proceed with the project.

Section 3: The following amounts are appropriated for the project:

Professional Services/Const.oversight	\$ 2,400,000
Professional Services/ Dam design	2,177,463
Land Acquisitions	2,714,391
Site Prep and Construction	16,777,428
Issuance Costs	100,000
Mitigation	1,000,000
Contingency	2,666,615

**\$ 27,835,897**

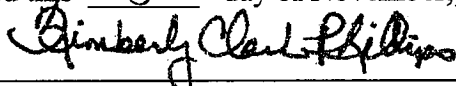
Section 4: The following revenues will be made available to complete the project:

Loan Proceeds	\$ 7,715,708
DENR Water Resources	11,058,019
US Dept. of Agriculture	5,171,361
Transfer from Capital Reserve	2,021,258
Transfer from General Fund	1,655,802
Interest Earned	213,749

**\$ 27,835,897**

For revision of original budget ordinance adopted in June 2004.

Adopted this 3<sup>rd</sup> day of November, 2008



Chairman, Yadkin County Board of Commissioners

Attest: 